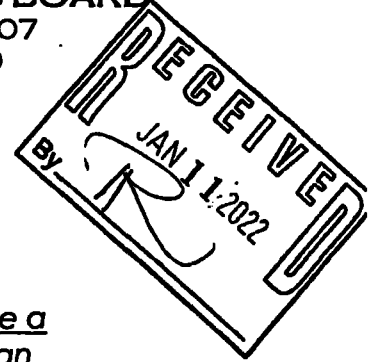


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD  
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007  
PHONE (602) 364-1PET (1738) FAX (602) 364-1039  
VETBOARD.AZ.GOV



## COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

### FOR OFFICE USE ONLY

Date Received: Jan. 11, 2022 Case Number: 22-78

#### A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Austin Gifford  
Premise Name: Primary Pet Care  
Premise Address: 2650 W. Baseline Road  
City: Mesa State: Az Zip Code: 85202  
Telephone: (480) 838-3682

#### B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:

Name: Lisa Ward  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

**C. PATIENT INFORMATION (1):**

Name: Sadie Ward  
Breed/Species: Dashshund  
Age: 12 Sex: Female Color: Black/ Grey

**PATIENT INFORMATION (2):**

Name: N / A  
Breed/Species: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

*Please provide the name, address and phone number for each veterinarian.*

Dr. Austin Gifford  
Primary Pet Care  
2650 W. Baseline Road  
Mesa, Az 85202  
480-838-3682

**E. WITNESS INFORMATION:**

*Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.*

Other employees at the veterinarys office - Names unknown

Debbie Ward - My mother who came with me to pick my dog up after surgery  
[REDACTED]

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: *h Ward*

Date: 1-11-22

**F. ALLEGATIONS and/or CONCERNS:**

*Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.*

**Negligence/Neglect -**

On 11-04-21 my dog had surgery and while my dog was under anesthesia she received a thermal burn to her stomach due to a heating pad that was never checked until after her procedure was completed. I was never told she had been burned until after I paid for her surgery and the vet brought her out to me.

I have attached all documents, emails and pictures for review.

November 18, 2021

Primary Pet Care

Re: Sadie Ward

Dr. Gifford

At this time, I would like to ask you for the reimbursement for the cost of Sadie's surgery. I had paid for her surgery prior to knowing about the burn she sustained while having surgery. I am also asking for any continued treatment that may be needed for Sadie's burn to be compensated. I feel this is a reasonable compensation for all that myself and my dog have had to endure during her healing process which is still in effect and I believe will be for some time. This has been so devastating to watch her endure this painful burn. I do realize mistakes are made but this burn from the heating pad is unacceptable.

You can reach [REDACTED]

Respectfully,

A handwritten signature in black ink, appearing to read 'L Ward', with a stylized flourish at the end.

Lisa Ward

December 28, 2021

Primary Pet Care

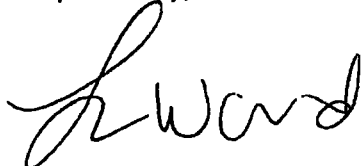
Re: Sadie Ward

Dr. Gifford

After Sadie's visit on 12-22-21 I have been giving your conversation more thought and I still am asking for the cost of her surgery be reimbursed to me. You stated that you followed guidelines with taking her temperature and vitals however I do not believe she was ever checked while under the heating pad because if she was then the thermal burn never would have been so bad. You stated if you gave me a refund that it would mean you admit guilt however admitting guilt or not this burn still happened.

As of right now my daughter has stated if you don't want to make this right like you told me in the previous email she stated she would post pictures on social media of what happened to her dog. I have already asked her not do this and wait until I reach out to you again. I really don't want to take this further but I still feel that my dog and myself have had to go through a lot for this mishap. I think it is best for your practice to make this right and provide me with a refund.

Respectfully,

A handwritten signature in black ink, appearing to read 'L Ward', with a stylized, cursive script.

Lisa Ward

January 7, 2022

Primary Pet Care

Re: Sadie Ward

Dr. Gifford

I received your voicemail on 01-05-22 regarding the letter I sent to you on 12-28-21. I am sorry you feel that the letter was a threat but I can assure you the letter was not sent to you as a threat. I was explaining to you what my daughter had previously told me she wanted to do. Everyone has the right to post what they want on social media and complete reviews online.

I have written you twice asking you for compensation for the cost I paid for Sadie's surgery as a good faith from you. After speaking to your liability insurance company and the message you left me that this will not be done.

I have spoken to Arizona State Veterinary's office and was told to try to reach out to you once more before filing a complaint for negligence. I do not want to file a complaint but you are leaving me no choice.

This to me is a serious injury my dog sustained while under anesthesia for surgery.

Respectfully

A handwritten signature in black ink that reads "L Ward". The signature is written in a cursive, flowing style.

Lisa Ward

On Nov 29, 2021, at 5:51 PM, Austin Gifford, DVM

[REDACTED] wrote:

Hi Lisa,

How is Sadie healing up? Hopefully almost completely healed by now!

Also, I should be hearing back from my advisor any day now. I will keep you posted.

Thank you.

-Dr. Gifford

On Sat, Nov 20, 2021 at 9:32 PM Lisa W [REDACTED] wrote:

Of course no problem. Thank you for getting back to me.

Lisa

Sent from my iPhone

On Nov 20, 2021, at 8:18 PM, Austin Gifford, DVM

[REDACTED] wrote:

Lisa,

Thank you for reaching out. I apologise again for the pain and discomfort Sadie is experiencing as well as the additional burden of work that has been placed on you. I assure you that we will resolve this in a way that is acceptable to you. I have a pending consultation regarding the best way for us to handle this. I ask for a few days, and I will be in touch with you.

Regards,  
Dr. Gifford

On Fri, Nov 19, 2021 at 4:27 PM Lisa Ward

[REDACTED] wrote:

Sent from my iPhone

--

Austin Gifford, DVM

emails  
starting  
11/19/21  
to  
1/9/22

sent  
letter  
dated  
11/18/21

Sent from my iPhone

On Dec 1, 2021, at 6:41 PM, Lisa [REDACTED] note:

Ok thank you for the update. Sadie is healing better each day 🙏

Lisa

Sent from my iPhone

On Dec 1, 2021, at 5:51 PM, Austin Gifford [REDACTED]

Good evening Lisa,

I hope Sadie's healing continues to progress. Let us know if you have any concerns with that not going as planned.

Sadie's case is being reviewed by Zurich, our professional liability carrier. I have been told that the review will take 10 -14 days and they will reach out when complete. Day is a lady at Zurich who is familiar with Sadie's case and she can assist you with any questions or concerns regarding the process of this claim. Day - 469-896-2054

Thank you for your patience.

Regards,  
Dr. Gifford

On Tue, Nov 30, 2021 at 8:08 AM Lisa [REDACTED] note:  
She is still having to wear the cone and healing up slowly.

Lisa

Sent from my iPhone

On Nov 29, 2021, at 5:51 PM, Austin Gifford, [REDACTED] note:

Hi Lisa,

How is Sadie healing up? Hopefully almost completely healed by now!

Also, I should be hearing back from my advisor any day now. I will keep you posted.

Thank you.

-Dr. Gifford



Perfect! I have you on the schedule. See you then.

On Sat, Dec 18, 2021 at 1:50 PM L [REDACTED] wrote:  
10am will work

Sent from my iPhone

On Dec 18, 2021, at 1:30 PM, Austin Gifford [REDACTED] wrote:

That sounds like she is through the thick of it. I am glad to hear she is doing well.

On Wednesday the 22nd we have a 10am and a 3pm. Would either work for you?

On Sat, Dec 18, 2021 at 1:24 PM [REDACTED] wrote:  
I can bring her in but the only day I am off next week is Wednesday. Sadie has only a small area still healing up but she her stomach is scared from the burn.

Lisa

Sent from my iPhone

On Dec 18, 2021, at 1:20 PM, Austin Gifford [REDACTED] wrote:

Good afternoon Lisa,  
I did speak with Day. I would like to speak with you about the details during the final recheck examination of Sadie. You will not have to pay for this examination, of course. Does she have any further scabbing from the burn?

On Monday Dec 20th we have a 10am, 1pm, 1:30pm or 3pm. Would any of those times work for you?  
The sooner you let me know the better as those will fill up quickly.

Thank you.

-Dr. Gifford

On Thu, Dec 16, 2021 at 11:37 AM Lisa Ward [REDACTED] wrote:  
I spoke to Day at the Insurance company Tuesday and she explained to me that the insurance would only cover the cost of further treatment for sadies burn. I explained to her that you provided the cream and checked her twice and that I did not seek treatment from anywhere else. She said she would call you and explain that this would not go through insurance. Please let me know how we go forward after you speak to her.

Lisa ward

On Fri, Jan 7, 2022 at 2:35 PM Li [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

From: Lisa [REDACTED]  
Date: January 5, 2022 at 2:51:07 PM MST  
To: DVM Austin G [REDACTED]  
Subject: Fwd: Sadie Ward

*sent  
letter  
dated  
1/7/22*

Dr. Gifford did you get the letter I sent back on December 28th? I have not heard back from you yet.

Lisa Ward

Sent from my iPhone

Begin forwarded message:

From: Lisa [REDACTED]  
Date: December 28, 2021 at 12:01:27 PM MST  
To: DVM Austin Gifford [REDACTED]  
Subject: Fwd: Sadie Ward

Sent from my iPhone

Begin forwarded message:

From: Lisa Ward [REDACTED]  
Date: December 28, 2021 at 12:44:18 PM MST  
To: Lisa Ward [REDACTED]  
Subject: Fwd: Sadie Ward

*sent  
letter  
dated  
12/28/21*

Sent from my iPhone

Begin forwarded message:

From: "Austin Gifford, DVM" [REDACTED]  
Date: December 18, 2021 at 2:05:51 PM MST  
To: Lisa Ward [REDACTED]  
Subject: Re: Sadie Ward

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]  
Date: January 9, 2022 at 8:05:34 PM MST  
To: "Austin Gifford," [REDACTED]  
Subject: Re: Sadie Ward

No need to process a \$200 check to me.

Lisa

Sent from my iPhone

On Jan 9, 2022, at 1:14 PM, Austin Gifford, [REDACTED] wrote:

Lisa,

I agree that you are welcome to present Sadie's case to the AZ Veterinary Medical Examining Board. I also acknowledge that you invested time into Sadie's recovery, and for this I am offering you \$200 as a goodwill gesture. It will be a check mailed to the address on your account.

I kindly request that this is the last contact we have with each other.

Regards,  
Austin Gifford DVM

On Sat, Jan 8, 2022 at 3:49 PM Lisa W [REDACTED] wrote:  
You agree to what? I was a bit confused.

Lisa

Sent from my iPhone

On Jan 8, 2022, at 12:49 PM, Austin Gifford, DVM [REDACTED] wrote:

Lisa,  
I agree. I think that is a good decision. Thank you.

-Dr. Gifford

RECEIVED

Sadie Ward Claim 22-78

JAN 31 2022

Narrative

Initial: 

- Preop temp for p was 101.8F
- Gaymar warm water circulating mat was on and placed beneath p prior to intubation.
- After intubation anesthetic equipment was being set up and accurate vital readings with Bionet BM7 were difficult to initially achieve. Likely due to normal p variation.
- Initial intraop temperature reading was 96.2F.
- Due to locations of masses being removed we could not utilize warming blanket (Chill Buster) until completion of mass removals.
- Warm towels used to place over exposed area of p not interfering with surgery and warm fluid bags placed bilaterally next to p.
- P temperature got very low and abortion of anesthesia was considered, but deemed safe as I suspected p temperature would rebound with additional heat application with Chill Buster Vet and bundling p during dental. Abortion seemed less ideal as p likely had a tooth root abscess and generalized severe periodontal disease.
- Dental prophylaxis was started, then continued when p temperature decline was stopped.
- Dental completed and p moved to recovery.
- O followed routine process for our clinic for p pick-up: walk in the door, pay for charges posted, wait in room then reception notifies techs/Dr that o is here and ready for discharge.
- P then removed from kennel and blankets to have catheter removed when severe erythema was identified.
- I immediately brought p into o's room and discussed what had happened and expressed deepest sympathy. Informed o that we would do whatever it takes to have p make a full recovery without costing o additional money. Provided o my personal email to ensure p safety and o peace of mind.

Contact of lead technician on case:

Patty Gomez - 



Austin Gifford, DVM  
Primary Pet Care

**DOUGLAS A. DUCEY**  
- GOVERNOR -



**VICTORIA WHITMORE**  
- EXECUTIVE DIRECTOR -

## **ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1-PET (1738) ♦ FAX (602) 364-1039

VETBOARD.AZ.GOV

### **INVESTIGATIVE COMMITTEE REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** AM Investigative Committee: Robert Kritsberg, DVM - Chair  
Christina Tran, DVM  
Carolyn Ratajack  
Jarrod Butler, DVM  
Steven Seiler

**STAFF PRESENT:** Tracy A. Riendeau, CVT – Investigations  
Marc Harris, Assistant Attorney General

**RE:** Case: 22-78

Complainant(s): Lisa Ward

Respondent(s): Austin Gifford, D.V.M. (License: 6653)

#### **SUMMARY:**

Complaint Received at Board Office: 1/11/22

Committee Discussion: 6/7/22

Board IIR: 7/20/22

#### **APPLICABLE STATUTES AND RULES:**

Laws as Amended August 2018

(Lime Green); Rules as Revised September 2013 (Yellow).

On November 4, 2022, "Sadie," a 12-year-old female Dachshund was presented to Respondent for a dental and mass removal. During the procedure, heat support was provided due to the dog's hypothermia. The procedures were performed; the dog was recovered and placed in a kennel with continued heat support.

Upon discharge, it was noted that the dog had an area of erythema and ulceration of the right inguinal area that appeared to be a thermal burn from external heat support intra-operatively.

Respondent advised Complainant of what transpired, expressed sympathy, and informed Complainant that he would ensure the dog made a full recovery without additional costs to her.

**Complainant was noticed and appeared telephonically.**

**Respondent was noticed and appeared with attorney David Stoll.**

**The Committee reviewed medical records, testimony, and other documentation as described below:**

- Complainant(s) narrative: *Lisa Ward*
- Respondent(s) narrative/medical record: *Austin Gifford, DVM*

**PROPOSED 'FINDINGS of FACT':**

1. On October 13, 2021, the dog was presented to Respondent for evaluation of a mass on the right side of the dog's mouth, left hind leg, right inguinal and one on the dog's chest that had been growing lately. Additionally, the dog was having difficulty jumping onto furniture but did not seem painful. Upon exam, the dog had a weight = 12.8 pounds, a temperature = 101.4 degrees, a pulse rate = 100bpm, and a respiration rate = 40rpm. Respondent noted the dog had periodontal disease, alopecia on the dorsal lumbar area, a lipoma on sternal region, a soft SQ mass on the left lateral hip and scattered sebaceous adenomas.

2. Respondent recommended performing blood work for a dental cleaning with mass removals. The dog was vaccinated, given Pro-Heart 12 injection, and discharged after blood was collected.

3. On November 4, 2021, the dog was presented to Respondent for a dental procedure and mass removals. Upon exam, a weight = 12.2 pounds, a temperature = 101.8 degrees, a heart rate = 150bpm, and a respiration rate = 30rpm. An IV catheter was placed and LRS fluids were started; the dog was pre-medicated with carprofen SQ, hydromorphone and midazolam IM. The dog was induced with propofol, intubated and maintained on sevoflurane and oxygen. During the anesthetic procedure, the dog became hypothermic as demonstrated on the surgical monitoring form:

	Hr:Min	O <sub>2</sub> LPM	Sevo	Heart Rate	Resp Rate	MM Muc/Pink	CRT	SpO <sub>2</sub>	Resp CO <sub>2</sub>	Blood Pressure	Fluid Rate/Volume	Temp	Active Heating	Initials
10	0:00	2.5	3.5	120	30	2/2	<2	93	52	124/107	37/18	—	☑	PG
20	0:10	3.5	3.5	100	20	2/2	<2	88	28	112/116	37/13	—	☑	PG
30	0:20	3.0	3.5	120	15	2/2	<2	85	47	124/110	37/18	96.2	☑	PG
40	0:30	3.0	3.5	100	15	2/2	<2	84	48	not working	37/125	95.6	☑	PG
50	0:40	3.0	3.5	100	15	2/2	<2	98	52	124/119	37/30	94.8	☑	PG
60	0:50	3.0	3.5	100	15	2/2	<2	96	53	124/115	37/38	93.0	☑	PG
70	1:00	3.0	2.5	100	15	2/2	<2	95	67	114/107	37/146	93.0	☑	PG
80	1:10	3.0	3.0	110	15	2/2	<2	97	39	114/105	37/153	93.7	☑	PG
90	1:20	3.0	3.0	110	20	2/2	<2	96	46	114/101	37/50	93.9	☑	PG
100	1:30	3.0	3.0	110	15	2/2	<2	94	49	107/84	37/60	94.6	☑	PG
110	1:40	3.0	3.0	95	15	2/2	<2	94	49	112/89	37/109	94.5	☑	PG
120	1:50	3.0	3.0	100	20	2/2	<2	93	53	114/94	37/174	94.4	☑	JSR
130	2:00	3.0	3.0	100	20	2/2	<2	93	51	107/73	37/180	94.5	☑	JSR
140	2:10	3.0	3.0	100	15	2/2	<2	89	48	106/74	37/193	94.6	☑	PG
150	2:20					□/□					/		☐	
160	2:30					□/□					/		☐	

4. According to Respondent, due to the locations of the masses being removed they could not utilize warming blankets until completion of mass removals. Warm towels were used to place over exposed areas of the dog not interfering with surgery and warm fluid bags placed bilaterally next to patient. Respondent stated the dog's temperature got very low and abortion of anesthesia was considered but deemed safe as he suspected the dog's temperature would rebound with additional heat application with Chill Buster Vet and bundling the dog during the dental. Abortion seemed less ideal as the dog likely had a tooth root abscess and generalized severe periodontal disease. Multiple extractions were performed. Once the procedures were concluded, the dog was moved to recovery.

5. When Complainant arrived to pick up the dog, the dog was removed from the kennel and blankets to have the catheter removed. At that time, it was noted there was severe erythema and ulceration present in the right inguinal region that appeared to be a thermal burn caused by external heat application intra-operatively.

6. Respondent brought the dog to Complainant to discuss what transpired. He expressed his sympathies and advised her that he would do whatever it took to have patient make a full recovery without additional cost to Complainant. He provided mupirocin ointment at no charge and explained that the lesion would get worse prior to getting better. The dog was discharged with Clavacillin 125mg, carprofen 25mg, and an Elizabethan collar.

7. Respondent and Complainant corresponded regarding the dog's burns; Complainant updated Respondent with photographs of the dog's wound.

8. On November 19, 2021, the dog was presented to Respondent's premises for staple removal. Incisions healed well; staples were removed. The burn site had an area of granulation tissue and moderate crusting on periphery of wound – it was healing by second intention as expected.

9. On December 22, 2021, the dog was presented to Respondent for evaluation. The dog was examined and the dog appeared to have healed up well. Complainant requested reimbursement for the cost of the dental and growth removal procedure. Respondent denied the request; the thermal burn had healed completely.

#### **COMMITTEE DISCUSSION:**

The Committee discussed that this was an unfortunate situation. Respondent was attempting to manage the dog's hypothermia which can cause more significant effects. The Committee did not feel there was any negligence on Respondent's part – he did attempt to place a buffer between the heat source and the dog.

The Committee further discussed that Respondent identified the injury and took responsibility for it. Complainant did return for treatment showing trust in Respondent's care of the dog.

Thermal burns can, at times, take a day or two to reveal themselves. Accidents do happen; Respondent spoke to Complainant, admitted the thermal burn occurred and took care of the treatment.

#### **COMMITTEE'S PROPOSED CONCLUSIONS of LAW:**

The Committee concluded that no violations of the Veterinary Practice Act occurred.

#### **COMMITTEE'S RECOMMENDED DISPOSITION:**

**Motion:** It was moved and seconded the Board:

*Dismiss this issue with no violation.*

**Vote:** The motion was approved with a vote of 5 to 0.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*

TR

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Tracy A. Riendeau, CVT  
Investigative Division